

Proposed Updates to Rule 902

(As Will be Presented to Environmental Regulatory Rules Committee)

R 336.1902 Adoption of standards by reference.

Rule 902. (1) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental ~~Quality~~, **Great Lakes and Energy**, 525 West Allegan Street, Lansing, Michigan 48909-7760, at a cost as of the time of adoption of these rules (AQD price). Copies may also be obtained from the U.S. Government Publishing Office, 732 North Capitol Street, NW, Washington, DC 20401, or by accessing their online bookstore at <http://www.ecfr.gov> at a cost as of the time of adoption of these rules (GPO price). The standards can also be viewed and/or printed free of charge at <http://bookstore.gpo.gov>.

(a) “National Primary and Secondary Ambient Air Quality Standards,” 40 C.F.R. Part 50 (20179), AQD price \$61.00/\$51.00 GPO price for Part 50 through Part 51.

(b) The following sections of “Requirements for Preparation, Adoption, and Submittal of Implementation Plans,” 40 C.F.R. Part 51 (20179), AQD price \$61.00/\$51.00 GPO price for Part 50 through Part 51:

(i) “Definitions,” 40 C.F.R. §51.100.

(ii) “Legally enforceable procedures,” 40 C.F.R. §51.160.

(iii) “Permit requirements,” 40 C.F.R. §51.165.

(iv) “Prevention of significant deterioration of air quality,” 40 C.F.R. §51.166.

(v) “Protection of Visibility,” 40 C.F.R. §51.301 through §51.309.

(vi) “Sources That Would Locate in a Designated Nonattainment Area,” Appendix S.

(vii) “Recommended Test Methods for State Implementation Plans,” Appendix M.

(viii) “Guideline on Air Quality Models,” Appendix W.

(ix) “Guidelines for BART Determinations under the Regional Haze Rule,” Appendix Y.

(c) “Prevention of Significant Deterioration of Air Quality,” 40 C.F.R. §52.21 (20179); AQD price \$74.00/\$64.00 GPO price for Part 52 (52.01 through 52.1018).

(d) “Quality Assurance Requirements for Prevention of Significant Deterioration Air Monitoring,” 40 C.F.R. Part 58, Appendix B (20179); AQD price \$46.00/\$36.00 GPO price for Part 53 through Part 59.

(e) “Standards of Performance for New Stationary Sources,” 40 C.F.R. Part 60, ~~except 40 C.F.R. Part 60, Subpart AAA, “Standards of Performance for New Residential Wood Heaters”~~ **Subpart A to WW** (20179); AQD price \$74.00/\$64.00 GPO price for Part 60 (60.1 to ~~end~~**60.499**).

(f) “Standards of Performance for New Stationary Sources (Continued),” 40 C.F.R. Part 60, Subpart XX to end, except 40 C.F.R. Part 60, Subpart AAA, “Standards of Performance for New Residential Wood Heaters” (2019); AQD price \$74.00/\$64.00 GPO price for Part 60 (60.499 to end).

(fg) 40 C.F.R. Part 60 Appendices A, B, and F (20179); AQD price \$73.00/\$63.00 GPO price for Part 60 Appendices.

(gh) “National Emission Standards for Hazardous Air Pollutants,” 40 C.F.R. Part 61 (20179); AQD price \$61.00/\$51.00 GPO price for Part 61 through Part 62.

(hi) “National Emission Standards for Hazardous Air Pollutants for Source Categories,” 40 C.F.R. Part 63, Subpart A to Z (20179); AQD price \$74.00/\$64.00 GPO price **for Part 63 (63.1 to 63.599).**

(ij) “National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued),” 40 C.F.R. Part 63, Subpart AA to DDD (20179); AQD price \$63.00/\$53.00 GPO price **for Part 63 (63.600 to 63.1199)**.

(jk) “National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued),” 40 C.F.R. Part 63, Subpart EEE to PPP (20179); AQD price \$66.00/\$56.00 GPO price **for Part 63 (63.1200 to 63.1439)**.

(kl) “National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued),” 40 C.F.R. Part 63, Subpart QQQ to YYYY (20179); AQD price \$47.00/\$37.00 GPO price **for Part 63 (63.1440 to 63.6175)**.

(lm) “National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued),” 40 C.F.R. Part 63, Subpart ZZZZ to MMMMM (20179); AQD price \$50.00/\$40.00 GPO price **for Part 63 (63.6580 to 63.8830)**.

(mn) “National Emission Standards for Hazardous Air Pollutants for Source Categories (Continued),” 40 C.F.R. Part 63, Subpart NNNNN to end (20179); AQD price \$50.00/\$40.00 GPO price **for Part 63 (63.8980 to end)**.

(no) “Compliance Assurance Monitoring,” 40 C.F.R. Part 64 (20179); AQD price \$44.00/\$34.00 GPO price for Part 64 through Part 71.

(op) The following sections of “State Operating Permit Programs,” 40 C.F.R. Part 70 (20179); AQD price \$44.00/\$34.00 GPO price for Part 64 through Part 71:

(i) “Definitions,” 40 C.F.R. §70.2.

(ii) “State program submittals and transition,” 40 C.F.R. §§70.4(b)(12), (14), and (15).

(iii) “~~Permit content~~**Emissions Trading**,” 40 C.F.R. §70.6(a)(8).

(iv) “Re-openings for cause by EPA,” 40 C.F.R. §70.7(g).

(v) “Transmission of information to the Administrator,” 40 C.F.R. §70.8(a)(1) and (2).

(vi) “EPA objection,” 40 C.F.R. §70.8(c).

(vii) “Public petitions to the Administrator,” 40 C.F.R. §70.8(d).

(pq) “Permit Regulations,” 40 C.F.R. Part 72 (20179); AQD price \$78.00/\$68.00 GPO price for Part 72 through Part ~~8079~~.

(qr) “Sulfur Dioxide Opt-Ins,” 40 C.F.R. Part 74 (20179); AQD price \$78.00/\$68.00 GPO price for Part 72 through Part ~~8079~~.

(rs) “Continuous Emission Monitoring,” 40 C.F.R. Part 75 (20179); AQD price \$78.00/\$68.00 GPO price for Part 72 through Part ~~8079~~.

(st) “Acid Rain Nitrogen Oxides Emission Reduction Program,” 40 C.F.R. Part 76 (20179); AQD price \$78.00/\$68.00 GPO price for Part 72 through Part ~~8079~~.

(tu) “NOx Budget Trading Program and CAIR NOx and SO2 Trading Programs for State Implementation Plans,” 40 C.F.R. Part 96 §§96.1 through §96.88 (20179); AQD price \$76.00/\$66.00 GPO price for Part 96 through Part 99.

(uv) “Federal NOx Budget Trading Program, CAIR NOx and SO2 Trading Programs, and CSAPR NOx and SO2 Trading Programs,” 40 C.F.R. Part 97 (20179); AQD price \$76.00/\$66.00 GPO price for Part 96 through Part 99.

(2) The following United States Environmental Protection Agency (U.S. EPA) documents are adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environmental ~~Quality~~, **Great Lakes, and Energy**, 525 West Allegan Street, Lansing, MI 48909-7760, at a cost as of the time of adoption of these rules of \$20.00 each. A copy may also be obtained from the U.S. EPA, Office of the Science Advisor, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 or on the U.S. EPA **Online Library System** website, www.cfpub.epa.gov/ols/, free of charge as of the time of adoption of these rules.

(a) “Advances in Inhalation Gas Dosimetry for Derivation of a Reference Concentration (RfC) and Use in Risk Assessment,” EPA/600/R-12/044, September 2012.

(b) "Alternative Control Techniques Document: NOx Emissions from Cement Manufacturing," EPA-453/R-94-004, 1994.

(c) "Benchmark Dose Technical Guidance," EPA/100/R-12/001, June 2012.

(d) "Compilation of Air Pollutant Emission Factors. Volume 1, Stationary Point and Area Sources," ~~EPA-450/AP-425-ED-5~~, January 1995.

(e) "Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products, Appendix B," EPA-450/2-78-029, December 1978.

(f) "Guidelines for Carcinogen Risk Assessment," EPA/630/P-03/-001B, March 2005.

(g) "Protocol for Determining the Daily Volatile Compound Emission Rate of Automobile and Light-duty Truck Topcoat Operations," EPA-450/3-88-018, December 1988.

(h) "Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens," EPA/630/R-03/-003F, March 2005.

(3) The following Federal Register documents are adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environmental ~~Quality~~, **Great Lakes, and Energy**, 525 West Allegan Street, Lansing, MI 48909-7760, at a cost as of the time of adoption of these rules of \$10.00 each:

(a) U.S. EPA Emissions Trading Policy statement, 51 F.R. 43814, December 4, 1986.

(b) U.S. EPA Recommended Policy on Control of Volatile Organic Compounds, Table 1, 42 FR 35314, July 8, 1977.

(4) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental ~~Quality~~, **Great Lakes, and Energy**, 525 West Allegan Street, Lansing, Michigan 48909-7760, at the cost as of the time of adoption of these rules (AQD price). Copies may also be obtained from ASTM International, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959 or on the ASTM website, www.astm.org, at a cost as of the time of adoption of these rules (ASTM price):

(a) Standard Test Method for Distillation of Petroleum Products **and liquid fuels** at Atmospheric Pressure, ASTM method D86, 2012~~8~~; AQD price \$749.00/\$649.00 ASTM price.

(b) Standard Test Method for Pour Point of Petroleum Products, ASTM D97, 2015~~7~~; AQD price \$548.00/\$448.00 ASTM price.

(c) Standard Test Method for Vapor Pressure of Petroleum Products, ASTM D323, 2015; AQD price \$604.00/\$504.00 ASTM price.

(d) Standard Specification for Fuel Oils, ASTM D396, 2015~~8~~; AQD price \$604.00/\$504.00 ASTM price.

(e) Standard Test Method for Distillation of Cutback ~~Asphaltic (Bituminous) Products~~, ASTM D402/**D402M**, 2008~~14~~; AQD price \$62.85~~8.00~~/**\$52.848.00** ASTM price.

(f) Standard Specification for Aviation Gasolines, ASTM D910, 2015~~7~~; AQD price \$548.00/\$448.00 ASTM price.

(g) Standard Specification for Diesel Fuel Oils, ASTM D975, 2015~~9~~; AQD price \$749.00/\$649.00 ASTM price.

(h) Standard Specification for Aviation Turbine Fuels, ASTM D1655, 2015~~9~~; AQD price \$6079.00/**\$5069.00** ASTM price.

(i) Standard Specification for Gas Turbine Fuel Oils, ASTM D2880, 2015~~8~~; AQD price \$548.00/\$448.00 ASTM price.

(j) Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels, ASTM D6751, 2015~~9~~; AQD price \$548.00/\$448.00 ASTM price.

(k) Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method), ASTM D6784, 2002~~16~~; AQD price \$70.00/\$60.00 ASTM price.

(l) Standard Test Method for Distillation of Emulsified Asphalt, ASTM D6997, 2012; AQD price ~~\$4952.00/\$3942.00~~ ASTM price.

(m) Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20), ASTM D7467, 2015; AQD price \$749.00/\$649.00 ASTM price.

(n) Standard Practices for General Techniques of Infrared Quantitative Analysis, ASTM E168, 2001; AQD price ~~\$7064.00/\$6054.00~~ ASTM price.

(o) Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, ASTM E169, 2014; AQD price \$548.00/\$448.00 ASTM price.

(p) Standard Practice for Packed Column Gas Chromatography, ASTM E260, 2011; AQD price ~~\$604.00/\$504.00~~ ASTM price.

(5) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental ~~Quality~~, **Great Lakes, and Energy**, 525 West Allegan Street, Lansing, Michigan 48909-7760, at the cost as of the time of adoption of these rules (AQD price). Copies may also be obtained from the American Association of State Highway and Transportation Officials, AASHTO Publication Order Department, P.O. Box 933538, Atlanta, Georgia, 31193-3538, or from their website <http://www.techstreet.com/products>, at a cost as of the time of adoption of these rules (AASHTO price):

(a) Standard Method of Test for Emulsified Asphalts, AASHTO T59, 2013; AQD price ~~\$8126.00/\$7116.00~~ AASHTO price.

(b) Standard Method of Test for **Distillation** Cutback Asphalt Products, AASHTO T78, 2001; AQD price ~~\$6088.00/\$5078.00~~ AASHTO price.

(6) The following standards are adopted by reference in these rules. Copies are available for inspection and purchase at the Air Quality Division, Department of Environmental ~~Quality~~, **Great Lakes, and Energy**, 525 West Allegan Street, Lansing, Michigan 48909-7760, ~~for \$20.00 at the cost~~ as of the time of adoption of these rules (~~AQD price~~). Copies may also be obtained from the National Technical Information Service, U.S. Department of Commerce, ~~5301 Shawnee Road, Alexandria, Virginia, 22312 (NTIS price)~~, or from their website, <http://ntrl.ntis.gov/NTRL/> for free; **as of the time of adoption of these rules.**

(a) PB95-196028, "Compilation of Air Pollution Emission Factors. Volume 1. Stationary Point and Area Sources," (1995); ~~AQD price \$290.00/NTIS price \$41.00.~~

(b) PB94-183522, "Alternative Control Techniques Document: NOx Emissions from Cement Manufacturing," (1994); ~~AQD price \$148.00/NTIS price \$35.00.~~

(c) PB203-060, "Construction Details of Isokinetic Source Sampling Equipment," (1971); ~~AQD price \$46.00/NTIS price \$26.00.~~

(d) PB209-022, "Maintenance, Calibration, and Operation of Isokinetic Source-Sampling Equipment," (1972); ~~AQD price \$52.00/NTIS price \$20.00.~~

(7) "TLVs and BEIs. Threshold Limit Values for Chemical Substances and Physical Agents, and Biological Exposure Indices," 2014 is adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environmental ~~Quality~~, **Great Lakes, and Energy**, 525 West Allegan Street, Lansing, MI 48909-7760, at a cost as of the time of adoption of these rules of ~~\$69.95~~ **\$75.95**. A copy may also be obtained from the American Conference of Governmental Industrial Hygienists, 1330 Kemper Meadow Drive, Cincinnati, Ohio 45240, or on the American Conference of Governmental Industrial website, www.acgih.org, at a cost as of the time of adoption of these rules of ~~\$49.95~~ **\$54.95**.

(8) "NIOSH Pocket Guide to Chemical Hazards," 2010, is adopted by reference in these rules. A copy on CD-ROM is available for inspection and purchase at the Air Quality Division, Department of Environmental ~~Quality~~, **Great Lakes, and Energy**, 525 West Allegan Street, Lansing, MI 48909-7760, for \$20.00 as of the time of adoption of these

rules. A copy on CD-ROM may also be obtained from the Centers for Disease Control website, www.cdc.gov/niosh/npg/, for free as of the time of adoption of these rules.

(9) “American Petroleum Institute Manual of Petroleum Measurement Standards Chapter 19.2,” ~~1997~~**2012**, is adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environmental ~~Quality~~, **Great Lakes, and Energy**, 525 West Allegan Street, Lansing, MI 48909-7760, at a cost as of the time of adoption of these rules of ~~\$139~~**\$1**.00. A copy may also be obtained from American Petroleum Institute, Techstreet, 3916 Ranchero Drive, Ann Arbor, MI 48108-2775, or at the American Petroleum Institute website at <http://www.techstreet.com/api/products>, at a cost as of the time of adoption of these rules of ~~\$129~~**\$1**.00.

(10) “OTC Model Rule for Consumer Products,” except section 8, 10, and 11(f), 2006 is adopted by reference in these rules. A copy is available for inspection and purchase at the Air Quality Division, Department of Environmental ~~Quality~~, **Great Lakes, and Energy**, 525 West Allegan Street, Lansing, MI 48909-7760, at a cost as of the time of adoption of these rules of \$10.00. A copy may also be obtained from the Ozone Transport Commission website, www.otcair.org, for free as of the time of adoption of these rules.

Proposed Updates to Rule 974

(As Will be Presented to Environmental Regulatory Rules Committee)

R 336.1974 Emissions standards for existing commercial and industrial solid waste incinerators.

Rule 974. (1) This rule applies to all existing Commercial and Industrial Solid Waste Incinerator (CISWI) units **and all Air Curtain Incinerators (ACIs)**, defined under 40 C.F.R. §60.2875, adopted by reference in R 336.1902. ~~For purposes of this rule CISWI unit also includes “air curtain incinerators” defined under 40 C.F.R. §60.2875.~~

(2) CISWI units **and ACIs** that commenced construction by November 30, 1999 must comply with this rule according to 40 C.F.R. §60.2535(a)(1) and (2), adopted by reference in R 336.1902, or date of promulgation of this rule, whichever is later.

(3) The following ~~CISWI~~ units must comply with this rule according to 40 C.F.R. §60.2535(b), adopted by reference in R 336.1902, or date of promulgation of this rule, whichever is later:

(a) Units in the incinerator ~~or air curtain~~ subcategory **or ACIs** that commenced construction between November 30, 1999 and June 4, 2010,

(b) Units in the incinerator ~~or air curtain~~ subcategory **or ACIs** that commenced reconstruction or modification between June 1, 2001 and August 7, 2013,

(c) Units in the small remote incinerator, energy recovery, or waste-burning kiln subcategories that commenced construction before June 4, 2010.

(4) CISWI units that are exempt under 40 C.F.R. ~~§60.2555(a) to (h) and §60.2555(m) to (o)~~, adopted by reference in R 336.1902, are exempt from this rule if the applicable requirements listed in §60.2555 are followed.

~~(5) Owners or operators of CISWI units shall submit a notice of closure to the department if the unit will close rather than comply with this rule.~~

~~(6)~~ A CISWI unit **or ACI** is still subject to this rule, and not 40 C.F.R. Part 60, Subpart CCCC, if the owner or operator makes physical or operational changes primarily to comply with this rule. However, modification or reconstruction of a CISWI unit **or ACI** made after August 7, 2013 makes that unit subject to 40 C.F.R. Part 60, Subpart CCCC, and not this rule.

~~(7) Owners or operators of CISWI units subject to this rule must sign and submit to the department a waste management plan and documentation of a current Title V operating permit.~~

~~(8)~~ Owners and operators of CISWI units **and ACIs** subject to this rule must comply with the following reporting requirements and timelines of 40 C.F.R. Part 60, Subpart DDDD, “Emission

Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units”, adopted by reference in R 336.1902, ~~listed in table 974:~~

(a) **Final control plan and notification of final compliance required under 40 C.F.R. §60.2575 to §60.2600, and §60.2815 to §60.2840 by the compliance date of this rule.**

(b) **Waste management plan required under 40 C.F.R. §60.2620 to §60.2630 by the compliance date of this rule.**

(c) **Report submittal requirement under 40 C.F.R. §60.2760 for the Initial test results obtained under §60.2700, site-specific operating limits established under §60.2675 or §60.2680, and fabric filter documentation required by §60.2730(b).**

(d) **Annual report requirements under 40 C.F.R. §60.2765 and §60.2770.**

- (e) Deviation report requirements under 40 C.F.R. §60.2775, §60.2780, and §60.2785.
- (f) Notification and recordkeeping required under 40 C.F.R. §60.7. (40 C.F.R. §60.7 is adopted by reference in R 336.1902).
- (g) Notification and timing requirements under 40 C.F.R. §60.2790(b) of continued operation with waste-to-fuel switch.

Table 974
Reporting Requirements and Timelines

Reporting Requirement	Required Timeline
Initial Test Report in 40 C.F.R. §60.2700	60 days after the initial performance test
Annual Report in 40 C.F.R. §60.2765 and §60.2770	12 months after the initial test report; every 12 months thereafter
Emission limitation and operating limit deviation report in 40 C.F.R. §60.2775 and §60.2780	August 1, for the data collected from January 1 to June 30 of that year; February 1, for data collected from July 1 to December 31 of the previous year.
Qualified Operator Deviation Notification in 40 C.F.R. §60.2785(a)(1)	Within 10 days of deviation
Qualified Operator Deviation Status Report in 40 C.F.R. §60.2785(a)(2)	Every 4 weeks following deviation
Qualified Operator Deviation Notification of Resumed Operation in 40 C.F.R. §60.2785(b)	Prior to resuming operation
Notification of continued operation with waste to fuel switch in 40 C.F.R. §60.2790(b)	30 days prior to the fuel switch

(97) Owners and operators of CISWI units **and ACIs** subject to this rule must comply with the following **applicable** sections of 40 C.F.R. Part 60, Subpart DDDD, adopted by reference in R 336.1902:

- (a) **Achieving final compliance in 40 C.F.R. §60.2605 and §60.2845.**
- (ab) Closing or reopening of unit in 40 C.F.R. §60.2610, ~~and to §60.2615, and §60.2850 to §60.2855.~~
- (bc) Waste management plan in 40 C.F.R. §60.2620 to 60.2630.
- (ed) Operator training and qualifications in 40 C.F.R. §60.2635 to §60.2665.
- (de) Emission and operating limits in 40 C.F.R. §60.2670 to §60.2680, **§60.2860, and the applicable** Tables 2 to 3 and 6 to 9.
- (ef) Performance testing in 40 C.F.R. §60.2690 to §60.2695.
- (f) ~~Inspection of control equipment in 40 C.F.R. §60.2706, and §60.2710(k).~~
- (g) Initial and continuous compliance **and inspection of control equipment** in 40 C.F.R. §60.2700 to §60.2725, **§60.2865 and §60.8 (40 C.F.R. §60.8 is adopted by reference in R 336.1902) and §60.7 (40 C.F.R. §60.7 is adopted by reference in R 336.1902).**
- (h) Monitoring in 40 C.F.R. §60.2730 to §60.2735, **and §60.2865.**
- (i) Recordkeeping in 40 C.F.R. **§60.2660(a),** §60.2740 to §60.2745, **and §60.2870.**
- (j) Title V Operating Permit requirements in 40 C.F.R. §60.2805.
- (k) Toxic Equivalency Factors in Table 4.
- (l) Definitions in 40 C.F.R. §60.2875.
- (m) Reporting formats and date changes in 40 C.F.R. §60.2795 and §60.2800.

(n) Air curtain incinerator requirements in 40 C.F.R. §60.2810.

~~(408)~~ For the purposes of this rule, the terms “administrator” and “EPA” as used in 40 C.F.R. Part 60, Subpart DDDD, mean the department, except in the authorities retained by the U.S. EPA in 40 C.F.R. ~~§60.2542~~~~§60.2030~~(e).

Proposed Updates to Rule 974

(After Proposed Deletions are Removed)

R 336.1974 Emissions standards for existing commercial and industrial solid waste incinerators.

Rule 974. (1) This rule applies to all existing Commercial and Industrial Solid Waste Incinerator (CISWI) units **and all Air Curtain Incinerators (ACIs)**, defined under 40 C.F.R. §60.2875, adopted by reference in R 336.1902.

(2) CISWI units **and ACIs** that commenced construction by November 30, 1999 must comply with this rule according to 40 C.F.R. §60.2535(a)(1) and (2), adopted by reference in R 336.1902, or date of promulgation of this rule, whichever is later.

(3) The following units must comply with this rule according to 40 C.F.R. §60.2535(b), adopted by reference in R 336.1902, or date of promulgation of this rule, whichever is later:

(a) Units in the incinerator subcategory **or ACIs** that commenced construction between November 30, 1999 and June 4, 2010,

(b) Units in the incinerator subcategory **or ACIs** that commenced reconstruction or modification between June 1, 2001 and August 7, 2013,

(c) Units in the small remote incinerator, energy recovery, or waste-burning kiln subcategories that commenced construction before June 4, 2010.

(4) CISWI units that are exempt under 40 C.F.R. **§60.2555**, adopted by reference in R 336.1902, are exempt from this rule if the applicable requirements listed in §60.2555 are followed.

(5) A CISWI unit **or ACI** is still subject to this rule, and not 40 C.F.R. Part 60, Subpart CCCC, if the owner or operator makes physical or operational changes primarily to comply with this rule. However, modification or reconstruction of a CISWI unit **or ACI** made after August 7, 2013 makes that unit subject to 40 C.F.R. Part 60, Subpart CCCC, and not this rule.

(6) Owners and operators of CISWI units **and ACIs** subject to this rule must comply with the following reporting requirements and timelines of 40 C.F.R. Part 60, Subpart DDDD, "Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units", adopted by reference in R 336.1902:

(a) **Final control plan and notification of final compliance required under 40 C.F.R. §60.2575 to §60.2600, and §60.2815 to §60.2840 by the compliance date of this rule.**

(b) **Waste management plan required under 40 C.F.R. §60.2620 to §60.2630 by the compliance date of this rule.**

(c) **Report submittal requirement under 40 C.F.R. §60.2760 for the Initial test results obtained under §60.2700, site-specific operating limits established under §60.2675 or §60.2680, and fabric filter documentation required by §60.2730(b).**

(d) **Annual report requirements under 40 C.F.R. §60.2765 and §60.2770.**

(e) **Deviation report requirements under 40 C.F.R. §60.2775, §60.2780, and §60.2785.**

(f) **Notification and recordkeeping required under 40 C.F.R. §60.7. (40 C.F.R. §60.7 is adopted by reference in R 336.1902).**

(g) **Notification and timing requirements under 40 C.F.R. §60.2790(b) of continued operation with waste-to-fuel switch.**

(7) Owners and operators of CISWI units **and ACIs** subject to this rule must comply with the following **applicable** sections of 40 C.F.R. Part 60, Subpart DDDD, adopted by reference in R 336.1902:

(a) **Achieving final compliance in 40 C.F.R. §60.2605 and §60.2845.**

(b) **Closing or reopening of unit in 40 C.F.R. §60.2610 to §60.2615, and §60.2850 to §60.2855.**

(c) **Waste management plan in 40 C.F.R. §60.2620 to 60.2630.**

- (d) Operator training and qualifications in 40 C.F.R. §60.2635 to §60.2665.
- (e) Emission and operating limits in 40 C.F.R. §60.2670 to §60.2680, **§60.2860**, and **the applicable** Tables 2 to 3 and 6 to 9.
- (f) Performance testing in 40 C.F.R. §60.2690 to §60.2695.
- (g) Initial and continuous compliance **and inspection of control equipment** in 40 C.F.R. §60.2700 to §60.2725, **§60.2865 and §60.8 (40 C.F.R. §60.8 is adopted by reference in R 336.1902).**
- (h) Monitoring in 40 C.F.R. §60.2730 to §60.2735, **and §60.2865.**
- (i) Recordkeeping in 40 C.F.R. **§60.2660(a)**, §60.2740 to §60.2745, **and §60.2870.**
- (j) Title V Operating Permit requirements in 40 C.F.R. §60.2805.
- (k) Toxic Equivalency Factors in Table 4.
- (l) Definitions in 40 C.F.R. §60.2875.
- (m) Reporting formats and date changes in 40 C.F.R. §60.2795 and §60.2800.
- (n) **Air curtain incinerator requirements in 40 C.F.R. §60.2810.**
- (8) For the purposes of this rule, the terms “administrator” and “EPA” as used in 40 C.F.R. Part 60, Subpart DDDD, mean the department, except in the authorities retained by the U.S. EPA in 40 C.F.R. **§60.2542.**